

## REMARKS

Claims 1-4, 7, and 10-13 are pending. Claims 5, 6, 8, and 9 have been canceled herein. Claims 14-18 were previously canceled. Applicants respectfully request reconsideration of the application on its merits.

### **I. Claim Amendment.**

Claim 1 has been amended. Support for the amendment may be found throughout the application, for example, at page 3, lines 7 through 20. Accordingly, no new matter under 35 U.S.C. §132 has been added by this amendment.

### **II. Restriction Requirement – Election**

Applicants hereby acknowledge their response to the Examiner's Restriction Requirement was made without traverse.

### **III. Information Disclosure Statement**

Applicants have provided a Supplemental Information Disclosure Statement herewith.

### **IV. Oath/Declaration**

The Examiner has requested a new Oath/Declaration. Applicants are presently pursuing the listed inventors for a new Declaration and will promptly file the new Declaration.

### **V. Drawings**

Applicants have provided amended drawings herewith.

### **VI. Specification**

Applicants have reviewed the current specification and have provided amendments herewith. In particular, Applicants have amended the specification to correct spelling and to switch the order of the priority claim paragraph and the government sponsored research statements. Applicants believe the specification is now error-free.

## **VII. Claim Objections**

The Examiner has objected to claims

## **VIII. Claims Rejections under 35 U.S.C. §112, second paragraph**

## **IX. Claim Rejections 35 U.S.C. §102(e)**

The Examiner has rejected claims 1-5 and 8-9 under 35 U.S.C. §102(e) as being anticipated by Kopf-Sill et al., US Patent 6,613, 512 or Kopf et al., US Patent 6,524,790 (both having identical disclosures and hereinafter referred to as Kopf-Sill).

Kopf-Sill does not disclose the claimed invention because Kopf-Sill does not disclose measuring a characteristic parameter of an analyte within a fluid flow channel at a plurality of locations along the fluid flow channel. The Examiner states in reference to Kopf-Sill that "[m]ultiple detection positions/zones are taught at two different time points in figure 1." Kopf-Sill does not disclose employing a plurality of locations along the fluid flow channel for measuring a characteristic parameter of an analyte. Kopf-Sill discloses determining time zero as being the time for which electroendoosmosis begins, thus initial time point measurement is needed. Figure 1, as do all of the figures and Kopf-Sill as a whole, provide for only a single detector for each fluid flow channel.

## **X. Claim Rejections under 35 U.S.C. §103**

*Kopf-Sill/Squire Combination*

The Examiner has rejected claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Kopf-Sill et al, US Patent No. 6,613,512 or Kopf-Sill et al, 6,524,790 in view of Squire et al (J. of Microscopy, 197(2) 136-149, Feb 2000).

The combination of Kopf-Sill/Squire does not render the claimed invention prima facie obvious because the Kopf-Sill/Squire combination does not teach or suggest each and every element of the claimed invention as discussed above. It is well settled that for a prior art reference or combination of references to render a claimed invention unpatentable under 35 U.S.C. §103 the combination must provide, among other things, disclosure of each and every element of the claimed invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

*Kopf-Sill/Armstrong Combination*

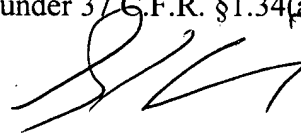
The Examiner has rejected claim 10-13 under 35 U.S.C. §103(a) as being unpatentable over Kopf-Sill et al, US Patent No. 6,613,512 or Kopf-Sill et al, 6,524,790 in view of Armstrong et al, Cytometry 40:102-108, Feb 2000. Applicants respectfully withdraw the rejection because Armstrong does not cure the deficiencies of Kopf-Sill discussed above.

Appl. No. 09/970,453  
Amdt. dated October 26, 2004  
Reply to Office action of April 26, 2004

### CONCLUSION

Applicants believe the claims are now in condition for allowance and request a Notice of Allowance. If, in the Examiner's opinion, a telephone conference may be helpful, Applicants' counsel may be contacted at the number below.

Presented with the highest regards  
under 37 C.F.R. §1.34(a),



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#### AMENDMENTS TO THE DRAWINGS

See the Attached TWO Pages wherein minor corrections are made to 1) interconnect the circled number 1 lead tabs and 2) correct typographical errors.

Applicants believe these changes are self-evident and therefore do not warrant the need for marked-up versions.